Civil Liability for the Criminal Justice Professional

CRJU 4203-X20

Spring, 2021

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# Class Information

Online assignments, with access to professor via Zoom or Email

**Office Hours:**

MWF 10:00 a.m. – 11:30 a.m. (Online. Please Email or request a Zoom meeting)

**Course Materials:**

Ross (2018). Civil Liability in Criminal Justice (7th ed.) Routledge, ISBN: 9780323356459

**You are responsible for having a textbook on the first day of class**

Assignments and communication via D2L

# Course Description

The purpose of this course is to examine the growing prevalence of civil liability within the U.S. criminal justice system. This course will explore civil liability issues for both U.S. law enforcement and corrections officers. This course will cover the increase in civil litigation in the U.S., the distinctions between civil and criminal law, and the primary foundations for civil liability under both state and federal law, as well as the damages that may be recovered. This course will also cover defenses to civil liability within the criminal justice system. Particular emphasis will be placed on lawsuits based upon 42 U.S.C. § 1983 and the use of force in both law enforcement and corrections. The course will teach students to integrate this knowledge through examination of detailed case studies of the actions of both law enforcement and corrections professionals in the U.S. criminal justice system.

# Course Objectives

This course is designed to give you a more extensive awareness of the civil

liability that may arise from certain actions by law enforcement and corrections professionals. At the conclusion of this course, you should be able to:

1. Differentiate between the civil and criminal laws of the United States, and identify the various legal foundations for civil liability
2. Identify civil causes of action under both state and federal law, as well as the damages that may result from liability under each
3. Suggest potential defenses to civil liability under various causes of action, as well as preventative measures that can be taken by criminal justice professionals to prevent liability
4. Be able to apply these concepts and legal standards to real-life fact scenarios and case studies involving the actions of criminal justice professionals
5. Effectively research and communicate in writing the application of legal standards and case law to various fact scenarios
6. Complete research and present on a special topic in civil liability
7. Utilize creative thinking in solving complex fact scenarios
8. Develop and utilize critical thinking and problem-solving skills through the completion of various fact scenarios pertaining to civil liability
9. Comprehend the long-term effects that the growing area of civil liability may have on the criminal justice system, as well as your own life as a criminal justice professional

# Course Policies

## Class Expectations

Students are required to complete assignments on or before the due date. You are responsible for checking your D2L Email daily for updates, assignments, class notes, etc. You are also responsible for letting the professor know if you have any questions or concerns regarding an assignment *before* the due date.

## B. D2L

The use of D2L is required for this course. You will be required to respond to a weekly critical thinking questions posted online, in which you must answer the question, and respond to at least two (2) of your classmates’ responses. Remember, in order to receive full credit you *must* respond to two classmates.

**You are responsible** for checking D2L **daily** for any possible course-related information, critical thinking questions, and/or updates.

**C. Late Assignments**

Students are expected to submit assignments on the or before the due date. Late assignments will not be accepted unless prior arrangements have been made with the professor. Otherwise, students will not receive any credit for an assignment submitted past the due date.

## D. Midwestern State University Student Handbook

Issues not specifically addressed by the syllabus are governed by the student handbook and the MSU Catalog. Make sure you read and are familiar with all the procedures therein. Pay close attention to the Code of Student Conduct section in the handbook.

## F. Disabled Student Policy

In accordance with Section 504 of the Federal Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Midwestern State University endeavors to make reasonable adjustments in its policies, practices, services, and facilities to ensure equal opportunity for qualified persons with disabilities to participate in all educational programs and activities.

The Office of Disability Services provides information and assistance, arranges accommodations, and serves as a liaison for students, instructors, and staff. The Office of Disability Services has assistive devices, such as books on tape, recorders, and adaptive software which can be loaned to qualified individuals. A student who seeks accommodations on the basis of disability must register with the Office of Disability Services. Documentation of disability is required.

## G. Academic Integrity

Academic integrity is something that I take very seriously. As future professionals, it is something that you should take seriously as well. Establishing ethical work habits and maintaining both your own integrity and that of your profession begins during your education and training.

Each student is expected to abide by the rules of ethical and academic honesty as defined by the student handbook. All cases of academic dishonesty will result in a **failing grade for the course** and a letter to the Dean of Students requesting that you be **withdrawn from the University.** If there are any questions as to whether an action is academically dishonest, please consult with the professor.

## H. Class Decorum

Each student is expected to behave in a mature and professional manner throughout the duration of the course. You must show respect for the thoughts and opinions of your fellow classmates. I will not tolerate the use of derogatory or inappropriate language, or other forms of disrespectful behavior online or via any Zoom meeting.

## I. Syllabus Change Policy

This syllabus is a guide for the course and is subject to reasonable changes.

Students will be notified of any changes to the syllabus in a timely fashion. Notice of any changes will be given during Zoom meetings, via D2L, or both.

**Course Requirements:**

## A. Class Participation

Active class participation is one of the most essential parts of a valuable learning experience. The material covered in this course is particularly enhanced when students share their own thoughts and perspectives on each topic via the weekly critical thinking question. Your ability to show that you have read the material and are actively learning to apply the material will be reflected in your grade.

Class participation accounts for 15% of your final grade. Good class

participation involves 1) showing an understanding of the assigned

material and completing the assigned critical thinking questions

(remember, you must respond to at least 2 (two) classmates’

responses in order to receive full credit for the question).

## B. Exams

Two online exams and one final exam will be given. Exams will cover material

from the assigned readings and critical thinking questions up to that point in

the course. Any material contained in the assigned readings may be tested.

Likewise, any material sent to your D2L Email whether or not contained in the

assigned readings, may be tested. The final exam will cover the final 2-3

chapters, but may contain material missed from previous examinations.

Make-up exams will only be offered in **extreme circumstances**, at the professor’s

discretion.

## C. Class Presentation

During the second half of the semester, each student will be required to complete a PowerPoint or Prezi “presentation.” Each presentation will cover a special topic in civil liability, as assigned by the professor. You will be given ample time to gather information for the presentation, as well as instructor input and guidance. The task for each individual is to research the assigned material and present their findings via either PowerPoint or Prezi. The Prezi or PowerPoint should include *all* major concepts of the material, as well as any relevant case law.

Specific information regarding length, content, format, and additional requirements for the presentations will be given by the professor at a later date via D2L email.

# Grading Policy

Exam I 15%

Exam II 15%

Final Exam 20%

Critical Thinking Questions 15%

Presentation 25%

Participation 10%

# Total 100%

**Failure to complete any of these assignments will result in a grade of F for the course.**

All assignments will be graded on a 100-point scale. Late assignments **will not be accepted except in extreme circumstances discussed *before* the due date**.

Your final grade will be determined on the following scale:

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| --- | --- |
| A= | 90-100 |
| B= | 80-89 |
| C= | 70-79 |
| D= | 60-69 |
| F= | 60-below |

# Contacting Me

I am available to answer any questions you may have about the course. When a question arises, you may contact me at [laura.estrada@mwsu.edu](mailto:laura.estrada@mwsu.edu).

# Extenuating Circumstances

In the event of an extenuating circumstance such as illness, death in the family, etc., please get in touch with me as soon as possible. Assignments and deadlines may be modified on a case-by-case basis. Verifiable documentation of the circumstance may be required. The more quickly you let me know what is going on, the more options I will have for allowing you to complete the course.

**I look forward to working with each of you this semester!**

# COURSE SCHEDULE

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| --- | --- | --- |
| **Date** | **Class Topic** | **Class Discussion/Assignment** |
| Mon  1/11 | Syllabus | Read syllabus. Email professor with any questions/concerns. Introduce yourself assignment given via D2L. **Read Ross, Ch. 1, Overview of Civil Liability** |
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| Fri  1/15 | Intro. Assignment  Due | **Intro. assignment due no later than 11:50 p.m. (Read Ross, Ch 2, Foundations for Liability)** |
| Mon  1/18 | **NO CLASSES** | **NO CLASSES – MLK BIRTHDAY** |
| Wed  1/20 | Critical Thinking Question Available | Critical Thinking Question Available online |
| Fri  1/22 | Critical Thinking  Question Due | **Critical Thinking Question due NO LATER THAN 11:50 P.M.** (**Read Ross, Chapter 3, Civil Liability Under State and Federal Tort Law)** |
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| Mon  1/25 | Critical Thinking Question Available | Critical Thinking Question Available online |
| Fri  1/29 | Critical  Thinking Question  Due | Critical Thinking Question **Due NO LATER THAN 11:50 p.m. Read Ch. 4, Civil Liability and Federal Law** |
| Mon  2/1 | Critical Thinking Question Available | Critical Thinking Question Available. |
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| Fri  2/5 | Critical Thinking Question Due | Critical Thinking Question **Due NO LATER THAN 11:50 p.m.** (Review sheet for test I, Ch. 1, 2, 3, & 4 available online) |
|  |  |  |
| Wed  2/10 | **TEST I, Online** | TEST I, covering chapters 1, 2, 3, and 4 **Must complete no later than 11:50 p.m.** |
| Fri  2/12 | Read Ross, Ch. 5 | No Critical Thinking Question this week. **(Read Ross, Ch. 5, Defenses to Civil Litigation and Risk Management for discussion on Monday, Liability for Failure to train)** |
| Mon  2/15 | Critical Thinking Question Available | Critical Thinking Question Available online |
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| Fri  2/19 | Critical  Thinking Question | **Critical Thinking Question Due NO LATER THAN 11:50 p.m.** (Read Ross, Ch. 6, Administrative and Supervisory Liability) |
| Mon  2/22 | Critical Thinking Question Available | Critical Thinking Question Available online |
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| Fri  2/26 | Critical Thinking Question Due | **Critical Thinking question Due NO LATER THAN 11:50 p.m.** (READ Ross, Ch. 7) |
| Mon  3/1 | Critical Thinking Question Available | Critical Thinking Question Available online |
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| Fri  3/5 | Critical Thinking Question Due | **Critical Thinking Question Due No LATER THAN 11:50 p.m.** (Test II review sheet, Ch. 5, 6, 7, 9 available online) |
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| Fri  3/12 | **TEST II** | **Test II, covering chapters 5, 6, & 7 DUE NO LATER THAN 11:50 P.M.** (Read Ross, Ch. 10, Use of Force in Law Enforcement and Corrections) |
| Mon  3/15 | Critical Thinking Question Available | Critical Thinking Question Available online |
|  |  |  |
| Fri 3/19 | Critical  Thinking Question  Due | **Critical Thinking Question DUE NO LATER THAN 11:50 P.M.** (Read Ch. 11, Section 1983 and Correctional Liability Issues) |
| Mon  3/22 | Critical Thinking Question Available | Critical Thinking Question Available Online |
| Wed  3/24 | Presentation Topic Assigned | Presentation Topic Assigned and Discussed via D2L Email |
| Fri  3/26 | Critical Thinking  Question Due | Critical Thinking Question Due |
| Mon  3/29 | Presentation Topics | Presentation Topics, Style, Rubric Sent – please Email professor with any questions/comments/concerns |
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| Mon  4/5 | Presentation Workshop | Presentation Workshop – Work on your Presentation. Please Email with any Questions! This will continue throughout the remainder of the semester. You will not have any additional Critical Thinking Questions |
| Fri  4/23 | Last day of classes | Review sent out for final examination, covering chapters 10 & 11. Instructions will be sent to your D2L Email |
| 4/24-  4/26 | **FINAL EXAM** | **Final examination DUE NO LATER THAN 11:50 p.m. on 4/26. No late examinations given.** |
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